

Exhibit A

IN THE CIRCUIT COURT FOR BERKELEY COUNTY WEST VIRGINIA

George Van Wagner,
P.O. Box 867
Martinsburg, WV 25402
Plaintiff,

CIVIL NUMBER 10-C-306
Judge Sine

v.

America's Servicing Company,
servicer for Duestche National Bank and Morgan Stanley
PO Box 10388
Des Moines, IA 50328
877-222-7875

Cintiux, LLC
PO Box 182
Berryville, VA 22611
540-579-4466

Kenneth LeMaster, Sheriff
400 W. Stephens St.
Martinsburg, WV 25401
304-262-3070

Norwood Bentley, County Attorney
400 W. King St., Rm. 1
Martinsburg, WV 25401
304-267-5009

John W. Small, Jr., County Clerk
100 W. King St., Rm. 1
Martinsburg, WV 25401
304-267-3001x6001
Defendants

2010 APR 19 AM 11:24
CLERK OF COURT
BERKELEY COUNTY, WV

AMENDED COMPLAINT

TO THE HONORABLE JUDGES OF THIS COURT:

COMES NOW, Plaintiff, George Van Wagner, *pro se*, ("Plaintiff") as equity
security holder of VAC, LLC to request this Honorable Court to grant VAC, LLC Quiet

Title to a certain parcel of land, located in Berkeley County, West Virginia 6.3 acres in the Mill Creek District, recorded in Deed Book 873 on page 398, and more fully described on **Exhibit A**, ("Property"). In support of his request the Plaintiff states as follows:

1. George Van Wagner is the beneficial owner of the assets of VAC, LLC, in particular, the above referenced property, herein after the "Property".
2. VAC, LLC owner of the above referenced Property took title to the Property on July 11, 2007, at the office of Pill and Pill, settlement attorneys.
3. America's Servicing Company ("ASC"), as the note holder of the Property, failed to serve this Plaintiff or VAC, LLC, at their known address, any documents in relation to their request for Relief from Stay, see **Exhibit B**.

This action made it impossible for this Plaintiff or VAC, LLC to file a response or defense before the order for abandonment from the US Bankruptcy Court of Northern West Virginia was granted, see **Exhibit C**.

4. The title to the property has been wrongfully transferred and is in the recorded ownership of Cintuix, LLC.
5. The Plaintiff has knowledge and belief that there is currently a dispute over the legal and beneficial title of the Property.
6. The tax sale was wrongfully conducted because the legal owner, the Plaintiff, was in bankruptcy at the time of the tax sale. See **Exhibit D**.

7. Berkeley County had no right to redeem this property because there was no relief from stay granted by the Bankruptcy Court of Northern West Virginia at the time of the tax sale.

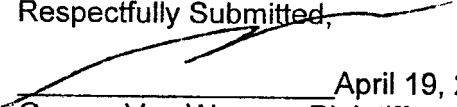
8. The property was not abandoned by the Bankruptcy Trustee until March 4, 2010, (see **Exhibit C**), but was sold at tax sale on November 18, 2008 while the recorded owner, the Plaintiff, was in Bankruptcy. The Plaintiff is still in Bankruptcy.

9. This Complaint, which is supported by the attached title of the Berkeley County Land Records, see attached **Exhibit A** is filed for the purpose of quieting the title to the property.

WHEREFORE, the above considered, Plaintiff, George Van Wagner, respectfully requests that this Honorable Court grants him the following relief:

- A. Entry of an Order quieting title to the subject property.
- B. Entry of an Order directing Cintiu, LLC to vacate the property.
- C. Entry of an Order for damages caused by the Cintiu, LLC trespass.
- D. Entry of an Order granting all reasonable expenses including counsel fees for the pursuit of this matter.

Respectfully Submitted,


April 19, 2010
George Van Wagner, Plaintiff, *pro se*
PO Box 867
Martinsburg, West Virginia 25402

LIST OF ATTACHED EXHIBITS

Exhibit A, Deed recorded at the Berkeley County Land Records describing the subject property,

Exhibit B, Notice of Failure to Serve, sent by the Plaintiff to the US Bankruptcy Court of Northern West Virginia,

Exhibit C, Order of abandonment of the Property by the US Trustee assigned to VAC, LLC by the US Bankruptcy Court of Northern West Virginia,

Exhibit D, George Van Wagner Bankruptcy proof,

Exhibit E, Berkeley County Tax sale notification

Exhibit F, Lis Pendens

Exhibit A

25267
DEED

THIS DEED, made and entered into this 11th day of July, 2007, by and between DAVID D. PILL, as Trustee, party of the first part, hereinafter referred to as Grantor, and VAC, LLC, a limited liability company, party of the second part, hereinafter referred to as Grantee.

WITNESSETH: That for and in consideration of the sum of Five Dollars (\$5.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said Grantor does hereby grant, bargain, sell and convey, and by these presents has granted, bargained, sold and conveyed unto the Grantee, in fee simple, with covenants of special warranty, all that certain lot or parcel of real estate, with the improvements and appurtenances thereunto belonging, situate in the Falling Waters District, Berkeley County, West Virginia, and more particularly described as follows:

"Lot No. 35, Phase I, Section II of Leisure Living Estates, containing 8,452 square feet, as described more particularly on a plat prepared by Truman, Yebernetsky & Roberts, Inc., Engineers, dated October 16, 1996, recorded in the office of the Clerk of the County Commission of Berkeley County, West Virginia, in Plat Cabinet No. 7, at Slide 80."

AND BEING the same real estate conveyed unto George VanWagner, by deed dated December 5, 2006, from Jackie Lee Harris and Christine Faith Harris, and recorded in the Office of the Clerk of the County Commission of Berkeley County, West Virginia, in Deed Book 855, at Page 157.

All that certain lot or parcel of real estate, with the improvements and appurtenances thereunto belonging, situate in the Mill Creek District, Berkeley County, West Virginia, and more particularly described as follows: All that certain lot or parcel containing 6.3662 acres, more or less, as set forth on a Plat of Survey dated December 4, 1981, prepared by P.C. DiMagno, Engineers-Surveyors, a copy of which is recorded in the Office of the Clerk of the County Commission of Berkeley County, West Virginia, in Deed Book 355, at Page 671.

AND BEING the same real estate conveyed unto George Vanwagner, by deed dated January 16, 2006, from David S. Wilson and Paula D. Wilson, and recorded in the aforesaid Clerk's Office, in Deed Book 825, at Page 536.

All that certain lot or parcel of real estate, with the improvements and appurtenances thereunto belonging, situate in the Mill Creek District, Berkeley County, West Virginia, and more particularly described as follows: All that certain lot or parcel containing 6.000 acres as shown on a plat made by Gamma Associates, Arnold L. Godlove, C.E., dated September 19, 1975, and recorded in the Office of the Clerk of the County Court of Berkeley County, West Virginia, in Deed Book 291, at Page 40, being subject to easements of record and in existence.

AND BEING the same real estate conveyed unto George Vanwagner, by deed dated October 30, 2006, from Rodney Allen Patrick and Wendy Lee Patrick, and recorded in the aforesaid Clerk's Office, in Deed Book 852, at Page 131.

All that certain lot or parcel of real estate, with the improvements and appurtenances thereunto belonging, situate in the Hedgesville District, Berkeley County, West Virginia, and more particularly described as follows: All that certain lot or parcel of real estate containing 33.6834 acres, more or less, as set forth on a Final Plat dated September 12, 1990, prepared by Davis, Renn & Associates, Inc., a copy of which is recorded in the Office of the Clerk of the County Commission of Berkeley County, West Virginia, in Plat Cabinet 4, at Slide 119. TOGETHER WITH AND SUBJECT TO any and all rights-of-ways set forth in the aforesaid plat.

LESS AND EXCEPTING THEREFROM all that certain parcel containing 2.2265 acres, more or less, as set forth on a Plat of Survey dated September 27, 2001, prepared by Berry Surveying Associates a copy of which is recorded in the aforesaid Clerk's office in Deed Book 798, at page 327, which was conveyed in Deed Book 798, at Page 327.

AND BEING the same real estate conveyed unto George H. Vanwagner, III, by deed dated October 13, 2005, from Robert Double, and recorded in the aforesaid Clerk's Office, in Deed Book 813, at Page 409. And by said Deed of Confirmation and Correction conveyed unto George H. Vanwagner, Jr., by deed dated April 24, 2006, from Robert Double and Tilhance Farms Homeowners Association, Inc., and recorded in the aforesaid Clerk's Office, in Deed Book 835, at Page 448.

All of that certain lot or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Mill Creek District of Berkeley County, West Virginia, more particularly bounded and described as follows: Lot No. 39B, as set forth on a Plat entitled "Minor Subdivisions for George VanWagner", dated July 10, 2006, prepared by P.C. DiMagno, Engineers-Surveyors, and recorded in the Office of the Clerk of the County Commission of Berkeley County, West Virginia, in Deed Book 845, at Page 580.

AND BEING the same real estate conveyed unto George H. Vanwagner, by deed dated June 20, 2007, from Topaz, LLC, a West Virginia limited liability company, and recorded in the aforesaid Clerk's Office, in Deed Book 872, at Page 264.

All that certain lot or parcel of real estate, with the improvements and appurtenances thereunto belonging, situate in the Mill Creek District, Berkeley County, West Virginia, and more particularly described as follows: Lot No. 26, as set forth on a Plat entitled "Minor Subdivisions for George VanWagner", dated July 10, 2006, prepared by P.C. DiMagno, Engineers-Surveyors, and recorded in the Office of the Clerk of the County Commission of Berkeley County, West Virginia, in Deed Book 844, at Page 286.

AND BEING the same real estate conveyed unto Steven A. Crites, by deed dated April 3, 2007, from Topaz, LLC, a West Virginia limited liability company, and recorded in the aforesaid Clerk's Office, in Deed Book 865, at Page 185.

All of that certain lot or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Mill Creek District of Berkeley County, West Virginia, more particularly bounded and described as follows: Lot No. 28A, as set forth on a Plat entitled "Minor Subdivisions for George VanWagner", dated July 10, 2006, prepared by P.C. DiMagno, Engineers-Surveyors, and recorded in the Office of the Clerk of the County Commission of Berkeley County, West Virginia, in Deed Book 844, at Page 286.

AND BEING the same real estate conveyed unto Steven A. Crites, by deed dated March 16, 2007, from Topaz, LLC, a West Virginia limited liability company, and recorded in the aforesaid Clerk's Office, in Deed Book 863, at Page 660.

All of that certain lot or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Mill Creek District of Berkeley County, West Virginia, more particularly bounded and described as follows: Lot No. 33A, as set forth on a Plat entitled "Minor Subdivisions for George VanWagner", dated July 10, 2006, prepared by P.C. DiMagno, Engineers-Surveyors, and recorded in the Office of the Clerk of the County Commission of Berkeley County, West Virginia, in Deed Book 844, at Page 286.

AND BEING the same real estate conveyed unto Steven A. Crites, by deed dated April 27, 2007, from Topaz, LLC, a West Virginia limited liability company, and recorded in the aforesaid Clerk's Office, in Deed Book 867, at Page 287.

All of that certain lot or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Mill Creek District of Berkeley County, West Virginia, more particularly bounded and described as follows: Lot No. 36B, as set forth on a Plat entitled "Minor Subdivisions for George VanWagner", dated July 10, 2006, prepared by P.C. DiMagno, Engineers-Surveyors, and recorded in the Office of the Clerk of the County Commission of Berkeley County, West Virginia, in Deed Book 845, at Page 580.

AND BEING the same real estate conveyed unto Steven A. Crites, by deed dated April 27, 2007, from Topaz, LLC, a West Virginia limited liability company, and recorded in the aforesaid Clerk's Office, in Deed Book 867, at Page 279.

All of that certain lot or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Mill Creek District of Berkeley County, West Virginia, more particularly bounded and described as follows: Lot No. 37B, as set forth on a Plat entitled "Minor Subdivisions for George VanWagner", dated July 10, 2006, prepared by P.C. DiMagno, Engineers-Surveyors, and recorded in the Office of the Clerk of the County Commission of Berkeley County, West Virginia, in Deed Book 845, at Page 580.

AND BEING the same real estate conveyed unto Steven A. Crites, by deed dated April 27, 2007, from Topaz, LLC, a West Virginia limited liability company, and recorded in the aforesaid Clerk's Office, in Deed Book 867, at Page 281.

All of that certain lot or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Hedgesville District of Berkeley County, West Virginia, more particularly bounded and described as follows: Lot 5, containing 0.0577 acre,

Townhome located at THE COVE, as set forth on a Final Plat dated May 26, 2005, prepared by Kevin D. Nelson, WVLLS#2084, a copy of which is recorded in the Office of the Clerk of the County Commission of Berkeley County, West Virginia, in Plat Cabinet 11, at Slide 92.

AND BEING the same real estate conveyed unto Steven A. Crites, by deed dated June 8, 2007, from Eagle Properties, LLC, a limited liability company, and recorded in the aforesaid Clerk's Office, in Deed Book 870, at Page 555.

This conveyance is made subject to and together with any and all covenants, conditions, agreements, easements, rights, rights-of-way and/or restrictions of record and in existence.

DECLARATION OF CONSIDERATION OR VALUE

Under the penalties of fine and imprisonment as provided by law, the undersigned Grantors hereby declare that the total consideration for the property transferred by the document to which this declaration is appended is exempt pursuant to West Virginia Code §11-22-1.

WITNESS the following signatures.

GRANTOR:

David D. Pill
DAVID D. PILL, as Trustee

GRANTEE:

VAC, LLC, a limited liability company

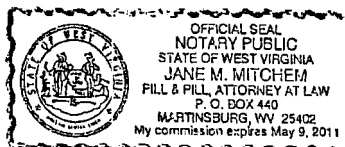
BY: [Signature]
Its Member

STATE OF WEST VIRGINIA
COUNTY OF BERKELEY, to-wit:

The foregoing instrument was acknowledged before me this 11th day of July, 2007, by David D. Pill, as Trustee, the Grantor named herein.

Jane M. Mitchem
Notary Public

My commission expires: 5/09/11

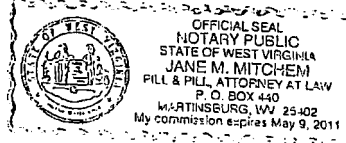


STATE OF WEST VIRGINIA
COUNTY OF BERKELEY, to-wit:

The foregoing instrument was acknowledged before me this 11th day of July, 2007, by Steven A. Crites as Member, who executes this instrument on behalf of VAC, LLC, a limited liability company, the Grantee named herein.

Jane M. Mitchem
Notary Public

My commission expires: 5/09/11



NO SEARCH - NO CERTIFICATION

THIS DEED PREPARED BY:
David D. Pill, Esquire, PILL & PILL,
Attorneys at Law,
P.O. Box 440, 85 Aikens Center,
Martinsburg, West Virginia 25404

AFTER RECORDING RETURN TO:

VAC, LLC

✓ 26 Venetian Drive
✓ Martinsburg WV 25401

[Signature]

jmm/#55093/VAC Deed

BERKELEY COUNTY, WV
FILED
July 12, 2007 11:02:12
JOHN W. SMALL JR.
COUNTY CLERK
TRANSACTION NO: 2007025267
BOOK OF DEEDS
Book: 00873 Page: 00398



Exhibit B

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**In re: George Van Wagner
Debtor**

**Bankruptcy # 08-00435
Chapter 07**

NOTICE OF FAILURE TO SERVE

Here comes George Van Wagner, Debtor, pro se, ("Debtor") to notify this court that he has not been served any Motions, Objections, nor any other pertinent documents concerning the property at 2887 Middelway Pike, Bunker Hill, WV 25413 from America's Servicing Company (ASC) through its counsel Nathan Wasser, Esq. or any other party.

The Debtor does not receive notification through the internet and is reliant on receiving service through the US mail. ASC and its counsel know the Debtor's address and phone number and therefore have no reason, other than to by pass the Debtor, to not serve this very important information.

This oversight on behalf of ASC has resulted in the Debtor being unable to respond to any allegations on the part of ASC, or to file any responses to the Court.

This is the second property ASC has failed to serve this Debtor, knowing that the Debtor is acting pro se, and therefore disregarding his right to defend himself or even see if their allegations are based in fact.

THEREFORE, this Debtor humbly request that this Court order ASC or it's counsel to send through the US mail, all Motions, Objections, or any other pertinent documents concerning the property at 2887 Middleway Pike, Bunker Hill, WV 25413 to the Debtor and postpone any actions for at least 15 days after the service has been properly conducted, in order to allow the Debtor ample time to answer said documents.

Thank you,



February 1, 2010

George Van Wagner, Debtor, pro se
PO Box 867
Martinsburg, WV 25402

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**In re: George Van Wagner
Debtor**

**Bankruptcy # 08-00435
Chapter 07**

CERTIFICATE OF SERVICE

I, George Van Wagner, Debtor, Pro Se, is hereby notifying the Court that a copy of the Notice of Failure to Serve is hereby served to the following parties on February 1, 2010, through the United States Postal Service.

American Servicing Company
C/O Nathan H. Wasser
43 Greene St
Cumberland, MD 21502

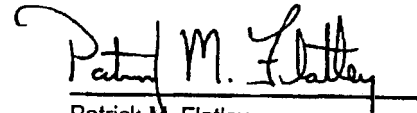
Thomas Fluharty, Esq.
408 Lee Ave.
Clarksburg, WV 26302

George Van Wagner, Debtor, Pro se
P.O. Box 867
Martinsburg, WV 25402

Exhibit C

MAR 09 2010
RECEIVED

Order Entered.


Patrick M. Flatley
United States Bankruptcy Judge
Dated: Thursday, March 04, 2010 6:42:00 PM

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

In Re: Van Wagner, George

Bk. No.: 08-00435

Debtor

ORDER

On this day came the Trustee, Thomas H. Fluharty pursuant to his Notice of Intent to Abandon Property, described as 2887 Middleway Pike, Bunker Hill, West Virginia 25413.

The Court being of the opinion that the Notice of Intent to Abandon Property should be granted, it is accordingly, **ADJUDGED, ORDERED and DECREED** that the real property located at 2887 Middleway Pike, Bunker Hill, WV, of the debtor is Ordered abandoned *Nunc pro tunc* to the date of the filing of the debtor's bankruptcy petition.

Submitted by:

/s/ Thomas H. Fluharty
Thomas H. Fluharty, Trustee
WV Bar No.: 1231
408 Lee Avenue
Clarksburg, WV 26301
(304) 624-7832

Exhibit D

Form B6A
(10/05)In re George Van Wagner
DebtorCase No. _____
(If known)**SCHEDULE A - REAL PROPERTY** *continued*

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a co-tenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim."

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

DESCRIPTION AND LOCATION OF PROPERTY	NATURE OF DEBTOR'S INTEREST IN PROPERTY	HUSBAND, WIFE, JOINT, OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION	AMOUNT OF SECURED CLAIM
rental property 226 Topaz Lane Inwood, WV 25428	owned by debtor		185,000.00	139,749.00
rental property 168 Ms Staci Lane Martinsburg, WV	owned by debtor		155,000.00	100,000.00
2887 Middleway Pk Bunker Hill, WV 25413	owned by debtor		425,000.00	395,000.00
rental property see attached.				

Sub Total **2,695,000.00**
(Report also on Summary of Schedules)

Case 3:08-bk-00435 Doc 1-2 Filed 03/28/08 Entered 03/28/08 12:33:38 Desc Document Page 26 of 50

Case 3:10-ap-00074 Doc 1-1 Filed 06/07/10 Entered 06/07/10 14:40:56 Desc Exhibits Page 18 of 26

United States Bankruptcy Court Northern District of West Virginia	Proof of Claim
In re (Name of Debtor): George Van Wagner	Case Number: 08-00435-LEF
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.	<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name of Creditor (The person or other entity to whom the debtor owes money or property): AMERICA'S SERVICING COMPANY AS SERVICER FOR DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC. TRUST 2006-HE3 ITS SUCCESSORS AND/OR ASSIGNS	<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
Name and Address Where Notices Should be Sent: America's Servicing Company as servicer for Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2006-HE3 Bankruptcy Department 7495 New Horizon Way, Building 4 Frederick, MD 21703 (301) 696 7072	5. Amount of claim Entitled to Priority under 11 U.S.C. § 507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim.
Name and Address Where Payment Should be Sent (If different from above): America's Servicing Company as servicer for Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2006-HE3 Bankruptcy Department MAC X2501-01F One Home Campus Des Moines, IA 50328-0001 (301) 696 7072	<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*), earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier—11 U.S.C. § 507(a)(4). <input type="checkbox"/> Contributions to an employee benefit plan—11 U.S.C. § 507(a)(5). <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use—11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units—11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other—Specify applicable paragraph of -11 U.S.C. § 507(a) _____.
1. Amount of Claim at Time Case Filed: \$ 330,660.13* If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges. * This is an estimated figure and is not to be relied upon as a payoff statement.	Amount entitled to priority: \$ _____
2. Basis for Claim: <u>Money loaned (Real Estate Mortgage)</u>	*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
3. Last four digits of any number by which creditor identifies debtor: <u>XXXXXX5054</u> 3a. Debtor may have scheduled account as: _____	FOR COURT USE ONLY
4. Secured Claim Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: _____ Annual Interest Rate <u>7.96</u> % Amount of arrearage and other charges as of time case filed included in secured claim, if any \$ <u>16,229.58</u> Basis for perfection: <u>Recorded Deed of Trust</u> Amount of Secured Claim: \$ <u>330,660.13*</u> Amount Unsecured: \$ _____	DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain: Date: <u>7/17/2008</u>
5. CREDITS: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. 7. DOCUMENTS: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary.	Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. Alice A. Blanco/Karrollanne K. Cayce/John D. Schlotter/Michael J. McCormick/A. Michelle Hart/Matthew Dyer/Richard H. Siegel/Whitney Groff/Maria Tsagaris Agent for America's Servicing Company as servicer for Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2006-HE3 Its Successors and/or assigns, 1544 Old Alabama Road, Roswell, Georgia 30076, Telephone: 770-643-7200

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both, 18 U.S.C. §§ 152 and 3571

ASC-08-16028

Exhibit E

JAN 13 2010
RECEIVED

Berkeley County Delinquent Land Department
100 West King Street Martinsburg, WV 25401 304-267-3001 ext 6010
NOTICE THAT A DEED HAS BEEN REQUESTED AND THAT DEED WILL BE ISSUED
UNLESS REAL ESTATE IS REDEEMED BY PROVISIONS OF SECTION 19 (11A-3-19)

To: VAC, LLC., George VanWagner, Decision One Mortgage Company, LLC, Jonathan Nicol, Trustee

And To: Any heir, legatee, beneficiary, or other relative of the persons –entities listed above; and any and all persons claiming any interest, whether whole or in part, in the property described herein.

CASE # 96 07168735

You will take notice that: Cintuix LLC, purchaser (or the assignee, heir or devisee of the purchaser) of the tax lien(s) on the following real estate: 6.3662 Acres Mill Creek located in: Mill Creek district, which was returned delinquent in the name of: George VanWagner and for which the tax lien(s) thereon was sold by the sheriff of Berkeley County at the sale for delinquent taxes made on the 18th day of November, 2008, has requested you be notified that deed for such real estate will be made to them on or after the 1st day of April, 2010, as provided by law, unless before that day you redeem such real estate. The amount you will have to pay to redeem on the last day, March 31st, 2010 will be as follows:

Amount equal to the taxes, interest and charges due on the date of the sale, with interest to March 31st, 2010.

\$ 2714.93

Amount of taxes paid on the property since the sale, with interest to March 31, 2010.

\$

Amount paid for title examination and preparation of list of those to be served, and for the preparation and service of the notice with interest to March 31st, 2010. The publication is an estimate.

\$486.70

Total Payable to the Sheriff of Berkeley County
(Payment must be made by Cashier's check or money order)

\$3196.29

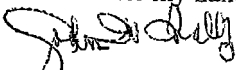
Amount paid for other statutory cost
Redemption certificate

\$35.00

(Payable to County Clerk- Payments must be made by Cash, Cashier's check or money order)

You may redeem at anytime before March 31st 2010, by paying the above total less any unearned interest.

Given under my hand



John W Small Jr.
County Clerk of Berkeley County
State of West Virginia

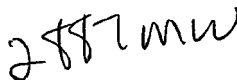


Exhibit F

16340

IN THE CIRCUIT COURT FOR BERKELEY COUNTY WEST VIRGINIA

George Van Wagner
PO Box 867
Martinsburg, WV 25402

PLAINTIFF

Vs.

CIVIL ACTION 10-C-306
JUDGE: SINE

America's Servicing Company, et al
Defendants

NOTICE OF LIS PENDENS

KNOW ALL MEN BY THESE PRESENTS that George Van Wagner, the Plaintiff in the above enlisted action by this memorandum filed with the Clerk of Berkeley County, West Virginia, on the 19 day of April, 2010, claims a lien against the property described below, and states that the lien is based on a suit for Quiet Title on a portion of said real estate, which suit is now pending in the Circuit Court of Berkeley County, West Virginia. The title of action is George Van Wagner vs. America's Servicing Company. The names of the parties are George Van Wagner and America's Servicing Company. The description of the property to be affected is:

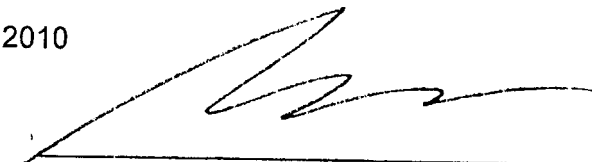
All that certain lot or parcel of real estate together with the improvements thereon and appurtenances thereto belonging, situate in Mill Creek District, Berkeley County, West Virginia and more particularly described as follows:
All that certain lot or parcel containing 6.3662 acres, more or less, as set forth on a Plat of Survey dated December 4, 1981, prepared by P.C. DiMagno, Engineers-Surveyors, a copy of which is recorded in the office of the Clerk of the County Commission of Berkeley County, West Virginia, in Deed Book 355, at Page 671.

AND BEING the same parcel of real estate conveyed to George Van Wagner by deed dated the 16th day of January, 2006, from David S. Wilson and Paula D.

Wilson, and recorded in the aforesaid Clerk's office in Deed Book No. 825, at page 536.

The nature of the lien, right, or interest sought to be enforced against said property in the aforementioned Civil Action is based on a suit for Quiet Title on a portion of said real estate. A lien is sought against all of said real estate with the improvements and appurtenances located thereon, and any funds that may be expected to be received by the Defendant by the sale of said real estate. The name of the party whose estate is intended to be affected is Cintiu, LLC.

Dated this 19 day of April, 2010

A handwritten signature in black ink, appearing to read "George Van Wagner", written over a horizontal line.

George Van Wagner
Plaintiff

NOTARY CERTIFICATE

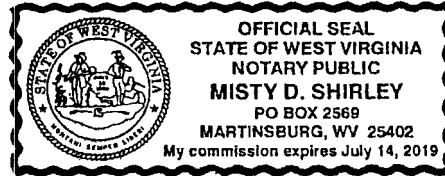
Commonwealth of West Virginia

County of Berkeley,

The foregoing instrument was acknowledged by Misty Shirley

Before me on 19th April 2010

Misty Shirley
Notary Public



My Commission Expires: July 14, 2019.

BERKELEY COUNTY, WV

FILED

April 19, 2010 11:15:52

JOHN W. SMALL JR.

COUNTY CLERK

TRANSACTION NO: 2010016340

BOOK OF DEEDS

Book: 00952 Page: 00031



IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

George Van Wagner

Plaintiff

v.

Civil Action No. 10-C-306

American Servicing Co., et al,

Judge Sine

Defendants

CERTIFICATE OF SERVICE

I, George Van Wagner, do hereby certify that I have served a true copy of the "Amended Complaint" dated April 19, 2010 upon the Defendants on April 19, 2010, by mailing a true copy thereof to:

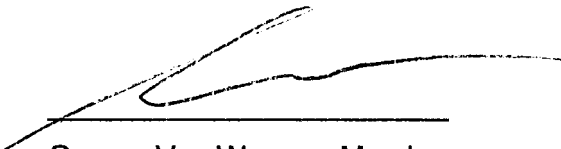
Norwood Bentley, County Attorney
400 W. King St., Rm. 1
Martinsburg, WV 25401

Kenneth LeMaster, Sheriff
400 W. Stephens St.
Martinsburg, WV 25401

Cintiux, LLC
PO Box 182
Berryville, VA 22611

America's Servicing Company
PO Box 10388
Des Moines, IA 50328

John W. Small, Jr., County Clerk
100 W. King St., Rm. 1
Martinsburg, WV 25401


George Van Wagner, Member
Norwood, Inc.